

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action transmitted January 23, 2009 (“*Office Action*”). Claims 1-3, 5-12, 14-20, 22, 23, 25-31 and 33-37 are pending in the Application, and the Examiner rejects all pending claims. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

I. Rejections under 35 U.S.C. § 102(e)

The Examiner rejects Claims 1-3, 5-12, 14-20, 22, 23, and 25-31 under 35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2002/0069278, now U.S. Patent No. 6,954,790 issued to Forslöw (“*Forslöw*”). Applicant respectfully traverses this rejection and submits that *Forslöw* does not describe, expressly or inherently, each and every limitation of the claims.

Consider Applicant’s independent Claim 1, which recites:

A system for distributing packets for communication to a mobile unit comprising:

a mobile unit having a device identifier and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier;

a mobility manager operable to determine a multicast address for the mobile unit based on the device identifier, to receive multicast address requests that include the device identifier, and to communicate the multicast address responsive to the multicast address requests;

a foreign agent in the foreign network, the foreign agent operable to detect the mobile unit, to determine the device identifier for the mobile unit, to communicate a request including the device identifier to the mobility manager, to receive the multicast address from the mobility manager, and to register for a multicast group identified by the multicast address; and

a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network.

Among other aspects, *Forslöw* fails to describe (1) “a foreign agent in the foreign network, the foreign agent operable . . . to register for a multicast group identified by the multicast address;” and (2) “a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast

address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network,” as Claim 1 recites.

With respect to the first aspect of Claim 1, Applicant maintains that the cited portion of *Forsl w* fails to describe the foreign agent operable to register for a multicast group identified by the multicast address, as Claim 1 recites. In response to Applicant’s previously submitted arguments, the *Office Action* continues to point to ¶ 135 of *Forsl w* and asserts that “[t]he foreign agent initiates the registering by sending ‘registerMobileClient’ in Figure 15.” *Office Action*, p. 8. The cited portions of *Forsl w*, however, describe operation of a mobile client, not a foreign agent. For example, ¶ 135 of *Forsl w* describes the ‘registerMobileClient’ element of Figure 15 as follows:

At configuration time, the mobile client 20 registers with the mobile service manager 22 in order to become part of a workgroup 26. This is done at the self-service management window of the mobile service manager 22 using the physically secured security key imprinted by the mobile service manager 22 for the delegation of partial control of the mobile workgroup system to the mobile client 20.

Forsl w continues at ¶ 136, describing “a mobile IP registration 44 from the mobile client 20 to the mobility manager 148.” Consider also *Forsl w* at ¶ 137, stating that “[t]he mobile client 20 sends a router solicitation message when entering the foreign network in order to discover a foreign agent 31.” Accordingly, the cited portion of *Forsl w* and the portions that follow describe a mobile client, not a foreign agent, and certainly not a “foreign agent operable to register for a multicast group identified by the multicast address,” as Claim 1 recites. Further, by teaching that the mobile client registers with the mobility manager and discovers a foreign agent, *Forsl w* teaches away from Claim 1.

With respect to the second aspect of Claim 1, Applicants also maintain that *Forsl w* does not describe “a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network,” as Claim 1 recites. Applicant has again examined the portions of *Forsl w* cited by the *Office Action* with respect to these elements, and, while many of these cited portions use selected words from the claim, none of these portions of *Forsl w* describe the claimed operations.

As an example of *Forsl w*'s failure to describe the second aspect of Claim 1, Applicant previously argued that *Forsl w* does not describe "the multicast address associated with the mobile unit." In response to Applicant's previously submitted arguments, the *Office Action* continues to point to *Forsl w* at ¶ 95 as teaching these claimed aspects and asserts that "home agent will forward packets destined to one of the workgroups 26 as if all of the workgroup members shall receive the packet." *Office Action*, p. 8. Applicant reiterates that the context for the cited portion of *Forsl w* is a conference session for a "workgroup" of mobile clients. See *Forsl w* at ¶ 95:

An extension of this definition of mobility routing 50 is to allow the mobile clients 20 to form workgroups 26 in the form of virtual overlay networks among some subset of them. *In the case of a workgroup conference session*, the MSRs 10 will forward packets destined to one of the workgroups 26 as if all of the workgroup members shall receive the packets. This is performed using a groupcast (also called xcast) or multicast protocol.

(emphasis added). Accordingly, *Forsl w* fails to teach or suggest "the multicast address associated with the mobile unit," as Claim 1 recites.

Also, as Applicant previously argued, *Forsl w* does not describe "encapsulat[ing] the IP packets as payloads for multicast packets addressed to the multicast address." In response to Applicant's previously submitted arguments, the *Office Action* continues to point to *Forsl w* at ¶ 31 as describing these claimed aspects. Applicant maintains that although this portion of *Forsl w* discusses an encapsulation technique for tunneling packets from a home agent to a foreign agent, this technique merely describes a tunnel for unicasting packets from a home agent to a foreign agent. ¶ 31. The cited portion of *Forsl w* thus fails to describe "encapsulat[ing] the IP packets as payloads for multicast packets addressed to the multicast address," as Claim 1 recites. Applicant respectfully submits that the Examiner has improperly pieced together different words from *Forsl w* (e.g., "multicast" and "encapsulation") in an attempt to show functionality that is simply not disclosed in *Forsl w*. This type of hindsight reconstruction is improper. See M.P.E.P. § 2142.

For at least these reasons, *Forsl w* fails to describe "a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network," as Claim 1 recites.

Therefore, *Forslow* does not describe, expressly or inherently, all limitations of Claim 1. Independent Claims 6, 14, 22, and 25 include limitations that, for substantially similar reasons, are not taught by *Forslow*. Because *Forslow* does not describe, expressly or inherently, all limitations of independent Claims 1, 6, 14, 22, and 25, Applicant respectfully requests reconsideration and allowance of Claims 1, 6, 14, 22, and 25 and their respective dependent claims.

II. Rejections under 35 U.S.C. § 103(a)

The Examiner rejects Claims 33-37 under 35 U.S.C. § 103(a) as unpatentable over *Forslow* in view of U.S. Patent No. 6,070,075 issued to Kim ("*Kim*").

As described above, Applicant has shown that *Forslow* fails to disclose, expressly or inherently, all limitations of the independent claims. Accordingly, *Forslow* fails to teach or suggest all limitations of Claims 33-37 because these dependent claims incorporate the limitations of their respective independent claims. *Kim* fails to remedy the deficiencies of *Forslow*.

Thus, *Forslow* and *Kim*, whether taken alone or in combination, fail to teach or suggest all limitations of Claims 33-37. Because the references fail to teach all limitations of the claims, Applicant respectfully requests reconsideration and allowance of Claims 33-37.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of this Application.

If the Examiner feels prosecution of the present Application may be advanced by a telephone conference, Applicant invites the Examiner to contact the undersigned attorney at (214) 953-6584.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'K-M Pankratz', with a horizontal line extending to the right.

Kurt M. Pankratz
Reg. No. 46,977

Date: March 23, 2009

Customer No. **05073**